

To: The Honorable Mayor and City Council

From: Tanya Wilson-Sejour, Interim Planning Manager

Date: October 22, 2013

Re: Rezoning – Causeway Village

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE, LOCATED AT 1850 NORTHEAST 123RD STREET, FROM THE CURRENT C2BE (COMMERCIAL) ZONING DESIGNATION TO PD (PLANNED DEVELOPMENT) ZONING DESIGNATION, IN ORDER TO PROVIDE CONSISTENCY WITH THE LAND DEVELOPMENT REGULATIONS, IN ACCORDANCE WITH THE INTENT OF THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

That Mayor and Council approve the proposed ordinance to rezone the subject site from C2BE (Commercial) to PD (Planned Development) in accordance with section 3-1003 of the City's Land Development Regulations.

PLANNING COMMISSION RECOMMENDATION

At its meeting on July 2, 2013 the Planning Commission (attended by Commissioners James, Each, Ernst, and Siefried) reviewed and discussed the ordinance to allow the proposed rezoning on the subject site. The applicant's agent (Mickey Marrero) provided an overview of the proposed project and outlined the intent of the request for a rezoning. Given the fact that many of the neighbors had concerns with the Causeway Square development (built by the same developer) on the North side of NE 123 Street, during the public hearing several neighbors urged the City to put safeguards in place to ensure that the project is built to a high standard and does not adversely affect the surrounding neighborhood in terms of drainage and traffic. Staff explained that based on the traffic analysis, the proposed PD zoning is anticipated to generate less traffic than the existing C-2BE commercial zoning. Also, with regard to the drainage concerns, the developer will be required to submit site plans which must comply with the City's drainage requirements. Based on the information provided, the Planning Commission had no objection to the proposed request,

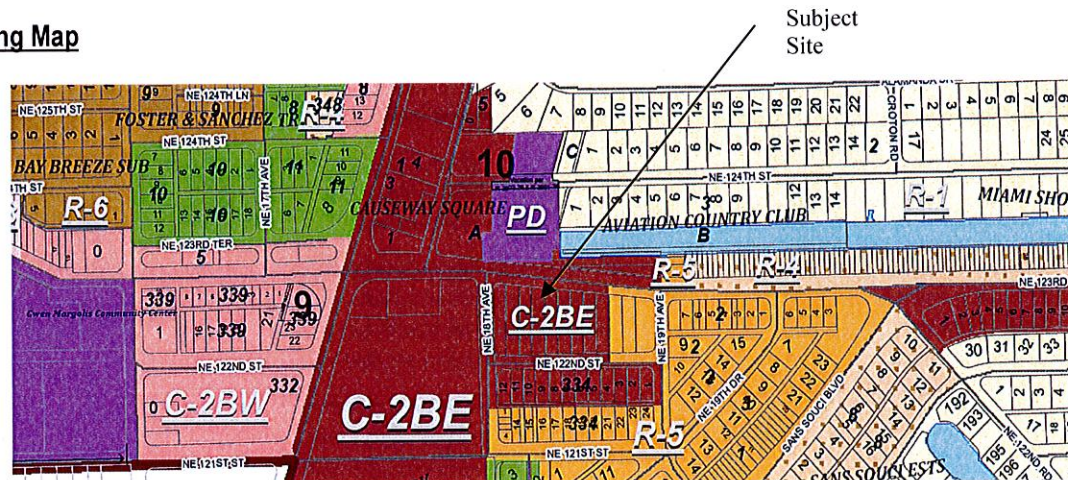
and rendered a unanimous approval of 4-0. The motion to approve was made by Commissioner Each and seconded by Commissioner Ernst.

BACKGROUND

The subject site, is a vacant parcel consisting of 4.24 acres in size and is situated at 1850 NE 123 Street, which is currently zoned C2BE (Commercial). The property owner (Causeway Village LLC) has filed an application for Zoning Map Amendment requesting to rezone the site from C2BE (Commercial) to PD (Planned Development), in order to redevelop the vacant site into the first residential/retail mixed use complex along the NE 123 Street corridor.

To that end, Policy 1.12.2 of the Comprehensive plan encourages mixed use along major corridors such as NE 123 Street. The applicant is requesting a rezoning from C2BE to PD in order to construct a mixed use complex to include residential multifamily units, with a mixture of ground floor retail/office use.

Partial Zoning Map



ANALYSIS

Per Article 3, Section 3-1003 of the City's Land Development Regulations all applicant initiated requests for amendments to the City's Zoning Map must satisfy the following minimum criteria:

1. It is consistent with the Comprehensive Land Use Plan in that it:
 - a. Does not permit uses which are prohibited in the future land use category of the parcel proposed for development;

The proposed PD zoning is consistent with an underlying land use designation of Mixed Use High. As proposed the retail and residential mixed use is appropriate for the subject site.

b Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use category of the parcel proposed for development;

The proposed rezoning request from C2BE to PD allows for a density of up to 45 dwelling units per acre which would allow the applicant to potentially create 191 units on site as of right. The applicant also simultaneously filed a land use amendment which will provide the consistency necessary to align the density requested with the densities and intensities of the proposed future land use category (Mixed Use High).

Will not cause a decline in the level of service for public infrastructure to a level of service that is less than the minimum requirements of the Comprehensive Land Use Plan;

Traffic

The subject site is located on NE 123 Street, which is classified as a State owned (FDOT) minor arterial road. The City's Transportation Master Plan indicates that the roadway segment that will provide primary access to the property (NE 123 Street) is operating at a level of service (LOS) B. It should be noted that Policy 2A 1.1 of the City's Comprehensive Plan requires that all roadways in the City shall operate at or above a LOS standard E. Additionally, the city of North Miami is designated as a Transportation Concurrence Exemption Area and Objective 2A.2 and Policy 2A.2.7 of the City Comprehensive Plan requires that in lieu of imposing traffic concurrency standards, the City actively pursue multimodal strategies to encourage a more pedestrian oriented environment that promotes walking, bicycling and public transit usage.

The applicant provided a traffic analysis prepared by *Traf Tech Engineering* dated June 24th which indicates that the current Commercial zoning could potentially generate approximately 3470 total daily trips compared to 2330 total daily trips under the proposed mixed use zoning district. As such the proposed mixed-use development is anticipated to generate approximately 1,140 less daily trips, approximately 53 new AM peak hour trips, and approximately 92 less trips during the typical afternoon peak period, when compared against the allowable development under the existing Commercial zoning designation. Given the foregoing, staff believes that the proposed zoning change is not anticipated to diminish the LOS along NE 123 to a level below the minimum required.

Water & Sewer Impact

The development is currently serviced by the Winson Water Treatment Plant. Based on the City's recently adopted Water Supply Plan, the Plant has an average capacity of 9.3 million gallons per day (MGD) and a current demand of approximately 15.77 MGD, resulting in a shortfall of 6.47 MGD which is satisfied by water purchased from Miami Dade County at a rate of 9.3 MGD (resulting in a total water supplied to North Miami's service area at the rate of 19.3 MGD). Leaving the City with a surplus of 3.53 MGD.

Based on Policy 4D.2.6 of the Comprehensive Plan in order to measure the impact of rezoning or land use changes on potable water facilities, the following standard generation rates shown in **Table 1** below shall be utilized:

Table 1

1. Single family detached dwelling: 350 gallons per day.
2. Single-family attached dwelling: 300 gallons per day
3. Multi-family dwelling unit: 425 gallons per acre per day plus:
 - Each one bedroom unit: 85 gallons per day per unit
 - Each two bedroom unit: 125 gallons per day per unit
 - Each three bedroom unit: 165 gallons per day per unit
 - Each four or more bedroom unit: 205 gallons per day per unit
 - When the bedroom mix is unknown, the three-bedroom generation rate shall be utilized.
4. Commercial and nonresidential Community Facility uses: 10 gallons per 100 sf of GFA per day
5. Industrial uses: 10 gallons per 100 sf of GFA per day

Based on the existing Zoning, the owner is currently allowed to build a commercial project as of right. However, the proposed application seeks to amend the current zoning map to PD (up to 45 dwelling units per acre) in order to build 10,000 square feet of retail and up to 191 residential multifamily units. Based on the foregoing the project is anticipated to consume approximately 34,317 gallons per day (33,317 gallons from the residential units plus 1000 gallons from the proposed 10,000 square footage of retail/office space).

Policy A.2.1 of the Comprehensive Plan requires that all development approvals require developers to upgrade the capacity of the existing sewer system or build new system to meet the needs of the proposed development. Based on our analysis staff believes the City has sufficient water and sewer capacity to accommodate the proposed mixed use development and will not cause a decline in the established LOS.

b. Does not directly conflict with any goals, objective or policy of the Comprehensive Land Use Plan;

The proposed rezoning request is consistent with the goals, objective policy of the Comprehensive Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"

e. Is physically suitable for the use permitted in the proposed district;

At 4.24 acres, the proposed site exceeds the minimum acreage of 2 acres required for all PD zoned developments. Also, rezoning from C2BE (Commercial) to PD (Planned Development) is suitable for the proposed mixed use development as it fronts on a major corridor and is surrounded by similar zoning on the north side of NE 123 Street, as well as many retail and multifamily residential uses on the adjacent sites.

f. Is compatible with the surrounding areas, zoning designations(s) and existing uses.

The property is abutting or adjacent to the following uses (see attached zoning map):

Surrounding Zoning

N: PD, Planned Development
S: R-5, Medium Density Multifamily Residential
E: R-5, Medium Density Multifamily Residential
W: C2BE, Commercial

Surrounding Land Use

N: Commercial
S: Medium Density Residential
E: Medium Density Residential
W: Commercial

The predominant character of the neighborhood is a mixture of both multifamily residential and commercial uses.

2. Will provide a benefit to the City in that it will achieve two (2) or more of the following objectives per section 3-1003 A.2:

Implement specific objectives and policies of the Comprehensive Land Use Plan;

The proposed rezoning requests is consistent with the goals, objective and policies of the Comprehensive Land Use Plan, specifically Policy 9.4.6 which requires that the City "Create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry." Additionally policy 9.4.2 requires that the City "Introduce employment generating uses along major transportation corridors. Ensuring that employment generating land uses is compatible with neighborhood character through revisions in development regulations and permit review requirements."

The City's current unemployment rate is 9.4 percent, notably higher than the State of Florida's unemployment rate of 7.2 percent. **In an effort to create local jobs and reduce the unemployment rate, the City must support land use types which allow for the creation of quality new employment generating businesses that will serve as catalysts for economic development and increase the City's tax base.**

The proposed request is anticipated to be a positive employment generator and is in a strategic location along a major city corridor with proximity to Interstate 95, Biscayne Boulevard and Broad Causeway. A combination of retail

and residential uses helps to minimize traffic trips as residents are able to shop and use the retail services available on site.

Improve environmental quality by adopting "green initiatives" through leadership in energy and environmental design (LEED) consistent with the Green Building Rating System Version 2.2 as amended;

Per Section 5-805 of the City's LDR all new construction is required to incorporate LEED standards or the City's alternative green standards as part of its new development in order to support the City's environmental initiatives. The applicant proposes to construct a LEED Silver designation building with energy saving fixtures to minimize the water and electric consumption of the future development.

3. Will not cause a diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.

The proposed rezoning is anticipated to greatly complement the surrounding multifamily and commercial uses. The market rate residential units will bring new residents that create additional demand for goods and services at many of the neighboring businesses, many of which are within walking distance of the site. Additionally the redevelopment of the vacant site with a mixture of residential and retail/office is anticipated to enhance the property value of the neighboring multifamily developments.

B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on the parcel proposed for development in order to achieve compliance with the standards of this section. Such limitations shall be offered by a restrictive covenant or declaration of use that is provided to the City in recordable form acceptable to the City Attorney.

To ensure further compatibility with the surrounding neighborhood, the applicant agrees to record a declaration of restrictive covenant to limit the height of the development not to exceed 75 feet. It is staff's opinion that the agreed height restriction will render the use compatible with the built environment.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed rezoning request is consistent with the zoning guidelines in the City's Land Development regulations and is compatible with the future land use goals objectives and policies identified in the City's adopted Comprehensive Plan. Therefore the Community Planning and Development Department **request that the City Council approves the attached ordinance, amending the zoning map of the City of North Miami for the subject property from C2BE to PD with the following conditions:**

1. The applicant shall submit a draft declaration of restrictive covenant containing the restriction as outlined in subsection 3.B above, to the office of the City Attorney at least 30 days from final Council approval date for review prior to final recordation. The applicant will also furnish a copy of the recorded document to the

Director of Community Planning & Development once the instrument has been recorded with Miami Dade County.

2. The applicant shall consolidate the subject lot with the abandoned alleyway running across the City by use of a unity of title. Said document shall be submitted to the office of the City Attorney for approval prior to final recordation. The applicant will also furnish a copy of the recorded document to the Community Planning & Development Planning Manager once the instrument has been recorded with Miami Dade County.
3. The applicant is required to obtain site plan review and approval for the proposed new development prior to obtaining final building permits. As such the applicant shall contact the City's Zoning Administrator, Joanne Martin in order to submit plans for Development Review Committee (DRC) review.

TS/mc

- Attachments:
1. Proposed Ordinance Rezoning the Property
 2. Location Map & Survey
 3. Zoning Map
 4. Letter of intent
 5. Traffic Analysis

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF A PROPERTY CONSISTING OF APPROXIMATELY 4.24 ACRES IN SIZE, LOCATED AT 1850 NORTHEAST 123RD STREET, FROM THE CURRENT C2BE (COMMERCIAL) ZONING DESIGNATION TO PD (PLANNED DEVELOPMENT) ZONING DESIGNATION, IN ORDER TO PROVIDE CONSISTENCY WITH THE LAND DEVELOPMENT REGULATIONS, IN ACCORDANCE WITH THE INTENT OF THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Causeway Village, LLC (the "Applicant"), filed an application with the City of North Miami ("City") Community Planning and Development Department, to initiate a zoning map amendment to rezone a vacant property consisting of approximately 4.24 acres in size, located at 1850 Northeast 123rd Street ("Subject Property"), from the current C2BE (Commercial) zoning designation to PD (Planned Development) zoning designation; and

WHEREAS, an approval of the rezoning application will allow the Applicant to revitalize and redevelop the Subject Property from a vacant site, into a residential/retail mixed use complex along a major corridor, pursuant to Article 4, Section 4-402 of the City Code of Ordinances, Land Development Regulations ("LDRs"); and

WHEREAS, Policy 9.4.6 of the City Comprehensive Plan ("Comprehensive Plan"), requires that the City "create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"; and

WHEREAS, Policy 9.4.2 of the Comprehensive Plan, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating land uses are compatible with the character of the neighborhood, through revisions in development regulations and permit review requirements; and

WHEREAS, the City administration believes the proposed rezoning is consistent with the Comprehensive Plan in that the proposed PD zoning designation is consistent with the underlying Commercial land use and allows for the future redevelopment of a currently underutilized vacant property into a viable mixed use development that will generate additional tax revenue and create new jobs within the City; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on July 2, 2013, found the rezoning application met the requirements of Article 3, Section 3-1003 of the LDRs, and is in harmony with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the Planning Commission recommend approval of the proposed rezoning to the Mayor and City Council with conditions (as specifically delineated in "Exhibit A", attached hereto); and

WHEREAS, the Mayor and City Council, hereby accept the Planning Commission's recommendation with the stated conditions, and find that the proposed rezoning application is consistent with the intent of the Comprehensive Plan and is therefore, in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Rezoning of Property and Amendment to Official Zoning Map. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled "Land Development Regulations", by amending the City of North Miami Official Zoning Map referenced in Article 1, Section 1-106, to reflect the rezoning of a property consisting of approximately 4.24 acres in size, located at 1850 Northeast 123rd street, from the current C2BE (Commercial) zoning designation to PD (Planned Development) zoning designation, in order to provide consistency with the Land Development Regulations, in accordance with the intent of the Comprehensive Plan of the City of North Miami.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 5. **Effective Date.** This Ordinance shall not become effective until thirty one (31) days after adoption on second reading, if not otherwise challenged.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

| | |
|------------------------------------|------------------------|
| Mayor Lucie M. Tondreau | _____ (Yes) _____ (No) |
| Vice Mayor Scott Galvin | _____ (Yes) _____ (No) |
| Councilperson Carol Keys, Esq. | _____ (Yes) _____ (No) |
| Councilperson Philippe Bien-Aime | _____ (Yes) _____ (No) |
| Councilperson Marie Erlande Steril | _____ (Yes) _____ (No) |

Additions shown by underlining. Deletions shown by ~~overstriking~~.